

Message Text

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45

ORIGIN ARA-20

INFO OCT-01 IO-13 ADP-00 COA-02 L-03 EB-11 COME-00 INT-08

OMB-01 TRSE-00 CG-00 CIAE-00 DODE-00 INR-10 NSAE-00

PA-03 RSC-01 USIA-15 PRS-01 AID-20 IGA-02 SS-15 H-03

NSC-10 /139 R

DRAFTED BY ARA/EP/E:DKGUTHRIE:LJC

08/17/73 EXT 28396

APPROVED BY ARA/EP:SPRINGLE

ARA:JBKUBISCH (DRAFT)

----- 123443

P R 181433Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY QUITO PRIORITY

INFO AMEMBASSY LIMA

AMCONSUL GUAYAQUIL

USMISSION GENEVA

C O N F I D E N T I A L STATE 164654

E.O. 11652: GDS

TAGS: EFIS, EC

SUBJECT: ECUADOREAN REPLY TO NOTIFICATION UNDER FPA

REFERENCE: STATE 160329

GENEVA FOR AMB. MCKERNAN

1. ECUADOREAN AMBASSADOR QUEVEDO AT HIS REQUEST CALLED ON ASSISTANT SECRETARY KUBISCH 5:30 PM AUGUST 17 TO PRESENT AIDE MEMOIRE RESPONDING TO AUGUST 13 NOTIFICATION TO ECUADOR PURSUANT TO SECTION 5 OF FPA (REPORTED REFTEL).

2. STATING HE WAS ACTING ON INSTRUCTIONS, QUEVEDO SAID HE HAD BEEN ADVISED BY FONMIN LUCIO PAREDES THAT GOE, AS WELL AS FONMIN PERSONALLY, SUPPORTED STATEMENTS MADE BY CONFIDENTIAL

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QUEVEDO DURING AUGUST 13 MEETING WITH KUBISCH. HE THEN HANDED KUBISCH AIDE MEMOIRE. UNOFFICIAL TRANSLATION FOLLOWS:

QUOTE ON AUGUST 17, 1973, THE AMBASSADOR OF ECUADOR, DR. ALBERTO QUEVEDO TORO, MET WITH ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS JACK B. KUBISCH AND, WITH RESPECT TO THE AIDE MEMOIRE WHICH THE LATTER DELIVERED TO HIM ON AUGUST 13 OF THIS YEAR, INFORMED HIM ON EXPRESS INSTRUCTIONS OF THE GOVERNMENT OF ECUADOR THAT HE REJECTED AS IMPROPER AND PREJUDICIAL TO ECUADOREAN

SOVEREIGNTY THE UNACCEPTABLE NOTIFICATION OF REIMBURSEMENTS THROUGH PAYMENTS MADE BY THE U.S. TREASURY TO VESSELS OF U.S. FISHING COMPANIES FINED BY THE COMPETENT ECUADOREAN AUTHORITIES FOR FISHING ILLEGALLY IN ECUADOREAN JURISDICTIONAL WATERS BETWEEN NOVEMBER 12, 1972 AND FEBRUARY 10, 1973.

QUOTE HE EQUALLY REJECTED THE ATTEMPTED APPLICATION OF SECTION 5 (A) OF THE U.S. FISHERMEN'S PROTECTIVE ACT WHICH CONSTITUTES AN UNLAWFUL AND THEREFORE UNACCEPTABLE COERCIVE INTERVENTION IN THE INTERNAL AFFAIRS OF ECUADOR. AMBASSADOR QUEVEDO ADDED THAT THE ATTITUDE ADOPTED BY THE U.S. GOVERNMENT IS A FLAGRANT VIOLATION OF THE NORMS AND PRINCIPLES INCORPORATED IN THE UN CHARTER AND FORMULATED IN VARIOUS RESOLUTIONS OF WORLD ORGANIZATIONS AND IN CLEAR PROVISIONS OF INTER-AMERICAN REGIONAL ORGANIZATIONS, SUCH AS THE PROVISIONS OF ARTICLE 19 OF THE OAS CHARTER WHICH DIRECTS INNERQUOTE NO STATE MAY APPLY OR ENCOURAGE COERCIVE MEASURES OF AN ECONOMIC AND POLITICAL CHARACTER TO FORCE THE SOVEREIGN WILL OF THE OTHER STATE AND THEREBY OBTAIN ADVANTAGES OF ANY SORT. END INNERQUOTE

QUOTE FINALLY, THE ECUADOREAN AMBASSADOR TOOK ADVANTAGE OF THE OPPORTUNITY TO REAFFIRM THE SOVEREIGN RIGHT OF HIS COUNTRY OVER THE ADJACENT SEA TO THE EXTENT OF 200 NAUTICAL MILES, MEASURED FROM THE CORRESPONDING BASE LINES, A RIGHT WHICH INCLUDES THE TOTALITY OF THE NATURAL RESOURCES IN SAID SEA, ITS SOIL AND SUBSOIL. HE REITERATED AT THE SAME TIME THE IRREDUCIBLE DECISION OF CONFIDENTIAL

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ECUADOR TO DEFEND THE INTEGRITY OF ITS SOVEREIGN RIGHTS AND STATED THAT THE COERCIVE POLICY PRACTICED BY THE U.S. IN NO WAY FAVORS THE ATTAINMENT OF AN ATMOSPHERE CONDUCIVE TO A FRIENDLY UNDERSTANDING. END QUOTE

3. AFTER READING AIDE MEMOIRE, KUBISCH OBSERVED THAT LANGUAGE WAS VERY HARSH AND REMINDED QUEVEDO THAT IN MAKING NOTIFICATION HE HAD MERELY BEEN COMPLYING WITH REQUIREMENTS OF U.S. LAW. QUEVEDO RESPONDED THAT ECUADOREAN RIGHTS IN 200-MILE ZONE WERE BASED ON ECUADOREAN LAW, WHICH GOE WAS ALSO OBLIGED TO ENFORCE.

4. KUBISCH ASKED WHETHER QUEVEDO COULD ADD ANYTHING

INFORMALLY TO FORMAL GOE POSITION STATED IN AIDE MEMOIRE, AND QUEVEDO COMMENTED THAT AS LONG AS U.S. HAD LEGISLATION SUCH AS FPA INVOLVING SANCTIONS, GOE COULD NOT EVEN INFORMALLY DISCUSS FISHERIES PROBLEMS WITH U.S. WHEN IT WAS POINTED OUT TO QUEVEDO THAT JULY 26 HOUSE VOTE HAD SHOWN DIFFICULTY OF REPEALING RESTRICTIVE LEGISLATION, QUEVEDO STATED THAT WHILE HE AND SOME OTHER GOE OFFICIALS

REALIZED THAT THERE WERE DIFFERENCES BETWEEN EXECUTIVE AND CONGRESS ON THIS MATTER, MOST ECUADOREANS DID NOT UNDERSTAND THESE DISTINCTIONS AND CONSIDERED THAT FPA REFLECTED OVERALL U.S. ATTITUDE TOWARD ECUADOR.

5. KUBISCH ASKED IF IT WAS NOW GOE'S INTENTION TO LET QUESTION OF NOTIFICATION REST OR IF GOE INTENDED TO GIVE ANY PUBLICITY TO THE MATTER. QUEVEDO SAID THAT FONMIN HAD NOT TOLD HIM ANYTHING ABOUT GOE'S PLANS IN THIS REGARD; HOWEVER, HE ASSURED KUBISCH THAT HE HAD FULLY REPORTED TO GOE KUBISCH'S AUGUST 13 STATEMENTS THAT USG DID NOT INTEND TO PUBLICIZE NOTIFICATION AND HOPED GOE WOULD NOT DO SO. KUBISCH STRESSED TO QUEVEDO THAT AS OF THE PRESENT TIME THE USG DID NOT INTEND TO SAY ANYTHING PUBLICLY ABOUT NOTIFICATION AND EXPRESSED STRONG HOPE THAT GOE WOULD LIKEWISE REFRAIN FROM ANY PUBLICITY.

6. COMMENTING FURTHER ON FPA, QUEVEDO SAID THAT IF USG ACTUALLY APPLIED AID DEDUCTIONS AFTER 120-DAY PERIOD, THIS WOULD HAVE QUOTE VERY SERIOUS END QUOTE IMPLICATIONS CONFIDENTIAL

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FOR US-ECUADOREAN RELATIONS. WHILE LAST MONDAY'S QUOTE NOTIFICATION END QUOTE MIGHT HAVE BEEN OBLIGATORY UNDER LAW, IT WAS CLEAR THAT THE U.S. PRESIDENT HAD DISCRETION ABOUT MAKING AID DEDUCTIONS AND ANY DECISION OF HIS TO DO SO WOULD CLEARLY BE A POLITICAL ACT, RATHER THAN MERELY A LEGAL QUESTION, AND WOULD IN EFFECT BE A DECISION THAT THE QUOTE NATIONAL INTERESTS END QUOTE OF THE US REQUIRED SUCH A DEDUCTION. KUBISCH SAID THAT NO DECISION HAD BEEN MADE ON AID DEDUCTIONS AND POINTED OUT THAT THIS WOULD BE A DIFFICULT DECISION FOR PRESIDENT, INVOLVING AS IT DID NOT ONLY OUR RELATIONS WITH ECUADOR BUT ALSO IMPORTANT DOMESTIC INTERESTS. QUEVEDO COMMENTED THAT HE AND GOE HAD BEEN DISAPPOINTED BY USG'S ACTION IN PROCEEDING TO IMPLEMENT FPA, SINCE HE HAD RECEIVED ASSURANCES FROM A QUOTE RESPONSIBLE USG OFFICIAL END QUOTE THAT ECUADOR NEED NOT BE CONCERNED ABOUT APPLICATION OF LAW. WHEN KUBISCH EXPRESSED SURPRISE, QUEVEDO INSISTED THAT HE HAD RECEIVED SUCH ASSURANCES BUT DECLINED TO IDENTIFY THE SOURCE.

7. NOTING THAT HE HAD RARELY SEEN AN AIDE MEMOIRE PHRASED IN SUCH HARSH TERMS, KUBISCH SAID THAT THE

LANGUAGE OF THE DOCUMENT RAISED QUESTIONS ABOUT WHETHER
IT SHOULD BE ACCEPTED. IT WAS MADE CLEAR TO QUEVEDO THAT
USG DID NOT ACCEPT STATEMENTS MADE IN AIDE MEMOIRE
CHARACTERIZING USG ACTION AND THAT THESE WERE CONSIDERED
ONLY TO BE A STATEMENT OF GOE VIEWS. ON THAT BASIS, AIDE
MEMOIRE WAS ACCEPTED. ROGERS

CONFIDENTIAL

<< END OF DOCUMENT >>

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